

ORDINANCE NO. 1294

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS OF A MEMBER AGREEMENT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PARTICIPATING MEMBERS AND AMENDMENT NO. ONE TO SUCH AGREEMENT, AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF SAID AGREEMENT AND AMENDMENT BY OFFICERS OF THE CITY OF LODI, CALIFORNIA.

WHEREAS, pursuant to the provisions of Chapter 5, Division 7, Title 1 of the Government Code of the State of California, as amended (the "Joint Powers Act"), the City of Lodi (the "City") and certain other public agencies created pursuant to the laws of the State of California (collectively, the "Members"), have entered into a Joint Powers Agreement (the "Agreement") creating the Northern California Power Agency (the "Agency"), a public entity separate and apart from the Members; and

WHEREAS, in accordance with the Agreement and the Joint Powers Agreement the Agency proposes to acquire and construct or cause to be acquired and constructed and to operate or cause to be operated a project (the "Project") consisting of (i) two 55 megawatt geothermal generating units, and related facilities, including transmission facilities to the generating tie, in the State of California, and all rights, properties and improvements necessary therefor, including fuel and water facilities and resources, and capital improvements thereto that may be constructed from time to time, and interests in certain other property and rights relating thereto, with the project; (ii) Project No. 2, subject to the rights of the participants therein; and (iii) the refinancing of certain Development Fund expenditures; and

WHEREAS, the City has need for an economical, reliable source of electric power and energy to meet the demands of the customers of its electric system, and, as such

WHEREAS, this City Council finds and determines that it is in the best interests of the customers of the electric system of the City for the City to enter into the Agreement for construction, operation and financing of Geothermal and Generating Project Number 3 (the "Member Agreement") in substantially the form submitted to this City Council and dated for convenience as of July 1, 1983;

WHEREAS, this City Council finds and determines that it is in the best interests of the customers of the electric system of the City for the City to purchase electric capacity and energy of the Project from the Agency;

WHEREAS, payments by the City pursuant to the Member Agreement will be used in ~~part~~ by the Agency for payment of principal of and interest on its ~~bonds~~, notes or other evidences indebtedness issued in connection with the construction, operation and financing of the Project;

WHEREAS, ~~this~~ City Council finds and determines that ~~it~~ is also desirable to amend the Member Agreement in accordance with the terms and provisions of Amendment Number One To Agreement for Construction, Operation and Financing of Geothermal Generating Project Number 3 dated as of August 1, 1983 (the "Amendment") ;

NOW, THEREFORE, the City Council of the City of Lodi, California does ordain as follows:

1. The City Council hereby finds and determines that the terms and conditions of the Member Agreement (including the Fast Block Entitlement Percentage and the Project Entitlement Percentage of the City set forth in Appendix A thereto) in substantially the form submitted to this City Council be, and the ~~same~~ are hereby, approved.

2. The East Block Entitlement Percentage of the City as set forth in Appendix A to said Member Agreement may be increased to such percentage, not to exceed ~~six~~ percent (6.00%), as shall be determined by the City Council of the City.

3. The Project Entitlement Percentage of the City as set forth in Appendix A to said Member Agreement may be increased to such percentage, not to exceed 10.28 percent (10.28%), as shall be determined by the City Council of the City.

4. The City Council hereby further finds and determines that the terms and provisions of the Amendment in substantially the form submitted to this City Council be, and the ~~same~~ are hereby, approved.

5. The City is hereby authorized to enter into the Member Agreement and the Amendment and the Mayor and City Clerk are hereby authorized to execute and deliver the Member Agreement and the Amendment by and on behalf of the City.

6. Pursuant to Section 54241 of the Government Code of the State of California, this Ordinance is subject to the provisions for referendum applicable to the City.

7. The City Clerk shall certify to the enactment of this Ordinance and shall cause ~~this~~ Ordinance to be published in accordance with Section 54242 of the Government Code of the ~~State~~ of California.

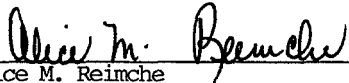
8. Thirty (30) days from and after its enactment, **this** Ordinance shall *take* effect and be in full **force**, in the manner provided by law.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk *this* 21st day of September, 1983.



Evelyn M. Olson
Mayor

Attest:



Alice M. Reimche
City Clerk